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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,644	01/20/2004	T. Michael Abinanti	TMA-101	5316

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EXAMINER

ORGAD, EDAN

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/762,644

Applicant(s)

ABINANTI, T. MICHAEL

Examiner

Edan Orgad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/9/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,7-11,13-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,7-11,13-19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments with respect to claims 1, 3, 7-11, 13-19 and 21-23 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 7-11, 13-19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan et al (US #6,549,133) in view of Hoover (US # 5,563,574) .

Regarding claim 1, Duncan teaches a control device (figure 1) comprising: a transmitter module (figure 1, element 1): and a remote receiver device (figure 1, element 10) positioned on or within a collar for an animal and in responsive communication with the transmitter module- and the remote receiver device receiving at least one control signal transmitted from the transmitter module (col. 4, lines 49-64).

Duncan teaches transmitter 1 as a stand alone transmitter but fails to specifically disclose said transmitter being detachably mounted to and integrated with a sporting equipment, and the transmitter module positioned within a sleeve removably fastened about the sporting equipment (although it should be noted that Duncan does disclose During hunting sessions, a dog owner or trainer is likely to carry a gun, two-way radio, or the like. It would be very advantageous to a

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dog trainer and/or a hunter working with a hunting dog to have a remote dog-training transmitter which is easily operable with minimal use of only one hand).

In related art, Hoover teaches a transmitter to be used with animal distraction device where the transmitter is detachably mounted to and integrated with a sporting equipment, and the transmitter module positioned within a sleeve removably fastened about the sporting equipment (see Hoover, figures 7 and 8, element 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hoover's transmitter fastening and mounting means with Duncan's existing transmitter/receiver system in order to provide for a secure and safe one hand control of the transmitter.

Regarding claim 3, Duncan as modified by Hoover teaches the sporting equipment comprises a firearm (Duncan: col. 2, lines 44-42 & Hoover: figure 7).

Regarding claim 7, Duncan teaches the transmitter module further comprises a microcontroller in operational control communications with the remote receiver device (figure 3, col. 2, lines 59-65).

Regarding claim 8, Duncan teaches the microcontroller further comprises an electronic circuit board (figure 3).

Regarding claim 9, Duncan teaches the transmitter module further comprises at least one control contact (elements 4 & 5).

Regarding claim 10, Duncan teaches the at least one control contact comprises a pushbutton for transmitting a dedicated control signal to the remote receiver device (elements 4 and 5).

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Regarding claim 11, Duncan teaches a control device (figure 1, element 1) comprising: a remote receiver device (figure 1, element 10) positioned on or within a collar for an animal and in responsive communication with the transmitter module and the remote receiver device receiving at least one control signal transmitted from the transmitter module (col. 4, lines 49-64).

Duncan teaches transmitter 1 as a stand alone transmitter but fails to specifically disclose said transmitter being a sleeve removably fastened about a gunstock, and a transmitter module positioned within the sleeve. (although it should be noted that Duncan does disclose During hunting sessions, a dog owner or trainer is likely to carry a gun, two-way radio, or the like. It would be very advantageous to a dog trainer and/or a hunter working with a hunting dog to have a remote dog-training transmitter which is easily operable with minimal use of only one hand).

In related art, Hoover teaches a transmitter to be used with animal distraction device where the transmitter is detachably mounted to and integrated with a sporting equipment, more specifically a sleeve removably fastened about a gunstock, and a transmitter module positioned within the sleeve. (see Hoover, figures 7 and 8, element 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hoover's transmitter fastening and mounting means with Duncan's existing transmitter/receiver system in order to provide for a secure and safe one hand control of the transmitter.

Regarding claim 13, Duncan as modified teach at least one of a snap, a button, a hook-and-loop fastener, a strap fastener and a zipper fastens the sleeve about the gunstock (see Hoover, col. 5, lines 32-37).

Regarding claim 14, Duncan teaches the transmitter module further comprises a microcontroller in operational control communication with the remote receiver device (figure 3, col. 2, lines 59-65).

Regarding claim 15, Duncan teaches the transmitter module further comprises at least one control contact (elements 4 & 5).

Regarding claim 16, Duncan teaches at least one control contact comprises a pushbutton for transmitting a dedicated control signal to the remote receiver device (see abstract).

Regarding claim 17, Duncan teaches the dedicated control signal comprises a multiple shock signal (col. 3, lines 1-2).

Regarding claim 18, Duncan teaches the remote receiver device translates the control signal into at least one of an electrical action and a mechanical action (col. 3, lines 40-57)

Regarding claims 19 and 23, Duncan teaches a control device (figure 1, element 1) comprising: a transmitter module (element 1) and a remote receiver device positioned on or within a collar for an animal and in responsive communication with the transmitter module, the remote receiver device receiving at least one control signal transmitted from the transmitter module and translating the control signal into at least one of an electrical action and a mechanical action (col. 3, lines 40-57 & col. 4, lines 49-64).

Duncan teaches transmitter 1 as a stand alone transmitter but fails to specifically disclose said transmitter being detachably mounted to and integrated with a sporting equipment, and the transmitter module positioned within a sleeve removably fastened about the sporting equipment (although it should be noted that Duncan does disclose During hunting sessions, a dog owner or trainer is likely to carry a gun, two-way radio, or the like. It would be very advantageous to a

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dog trainer and/or a hunter working with a hunting dog to have a remote dog-training transmitter which is easily operable with minimal use of only one hand).

In related art, Hoover teaches a transmitter to be used with animal distraction device where the transmitter is detachably mounted to and integrated with a sporting equipment, and the transmitter module positioned within a sleeve removably fastened about the sporting equipment (see Hoover, figures 7 and 8, element 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hoover's transmitter fastening and mounting means with Duncan's existing transmitter/receiver system in order to provide for a secure and safe one hand control of the transmitter.

Regarding claim 21, Duncan teaches a plurality of push buttons on the transmitter (figure 1, element 4, 5 and 6).

Regarding claim 22, Duncan teaches the plurality of pushbuttons operates a sound signal, a second pushbutton of the plurality of pushbuttons operates at least one of a single shock signal and a single vibration signal and a third pushbutton of the plurality of pushbuttons operates at least one of a multiple shock signal and a multiple vibration signal (col. 5, lines 13-32).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 571-272-7884. The examiner can normally be reached on 9:00AM to 5:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edan Orgad

**EDAN ORGAD**  
**PATENT EXAMINER/TELECOMMUNICATIONS**

*Edan Orgad 1/12/06*  
Primary Patent Examiner  
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